

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

FSW INC.,

Plaintiff,

vs.

RM1239 TRANSPORTATION, INC.
and MANISH KAPOOR,

Defendants.

CV 22-52-GF-JTJ

ORDER

The Court conducted a hearing on all pending motions on January 24, 2024.

For the reasons stated in open court,

IT IS HEREBY ORDERED:

1. Defendants' Motion for Partial Summary Judgment (Doc. 23) is
DENIED.
2. Plaintiff's Motion in Limine (Doc. 30) is GRANTED in part, and
DENIED in part, as follows:
 - a. The portion of the motion that seeks an order prohibiting Defendants from presenting argument or evidence at trial that Defendant RM1239's contract with FedEx was terminated is GRANTED.
 - b. The portion of the motion that seeks an order prohibiting Defendants from presenting argument or evidence that Plaintiff received an opportunity to cure letter from FedEx in 2020 is DENIED.

3. Plaintiff's Motion to Compel (Doc. 38) is TAKEN UNDER ADVISEMENT.

4. Plaintiff's Motion to Continue the Trial (Doc. 40) is TAKEN UNDER ADVISEMENT.

5. Defendants' Motion for Sanctions (Doc. 41) is TAKEN UNDER ADVISEMENT.

6. The Court's August 10, 2022, Scheduling Order is amended as follows:

- a. The parties shall file their proposed final pretrial order on February 8, 2024.
- b. Trial briefs (optional), jury instructions and a verdict form shall be filed on or before February 9, 2024.
- c. The Court shall conduct a final pretrial conference at 10:00 a.m. on February 9, 2024, at the Missouri River Courthouse in Great Falls, Montana.

The Court's August 10, 2022, Scheduling Order remains in full force and effect in all other respects.

DATED this 25th day of January, 2024.


John Johnston
United States Magistrate Judge